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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,801	01/02/2004	James A. Mulvihill	045373883.00074	1822

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TROY, MI 48084

EXAMINER

OLSON, MARGARET LINNEA

ART UNIT	PAPER NUMBER
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3782

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/750,801

Applicant(s)

MULVIHILL, JAMES A.

Examiner

Margaret L. Olson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 3, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pratelli (AU 200195157) in view of Hynes (US 4,196,880). Pratelli discloses a hinge 11 that could attach to a corresponding wall of a trunk space with a frame 12/13 mounted to the hinge 11 so that the frame may be rotated between a deployed and a stowed position (figure 1) and meant to hold a storage pouch. The frame rotates upwardly around the hinge so that the storage pouch opens as the frame moves away from the stowed position to the deployed position, and rotates downwardly about the hinge 11 so that the storage pouch may bend and fold as the frame moves toward the stowed position. Pratelli does not disclose an expandable frame. Hynes teaches a frame 18 in two parts for supporting a bag (figure 1). The frame attaches at a double sleeve 26, into which both sides of the frame may be slid as close together or as far apart as needed to support the appropriate-sized bag. It would have been obvious to one of ordinary skill in the art to attach double sleeves like 26 and a second frame portion as marked at 42 to the structure of Pratelli in order to close the frame so that the

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storage pouch can't slip off, and to allow the frame to expand to support flexible bags of different sizes (Hynes, column 1, lines 56-59).

With respect to claim 2, the primary reference Pratelli discloses a frame rigid enough to support a storage pouch in a deployed position. Hynes teaches a frame portion 20 and 42 made of a rigid material (column 3, lines 1-2).

With respect to claim 3, Hynes teaches a storage pouch made of flexible material (column 4, lines 1-2). It would have been obvious to one of ordinary skill in the art at the time of invention to use a storage pouch made of flexible material with the frame of Pratelli, in order that the bag would fold shut when the frame was in a stowed position.

With respect to claim 5, Hynes teaches a storage pouch flexibly attached to the frame (column 1, lines 46-59). It would have been obvious to one of ordinary skill in the art at the time of invention to attach a storage pouch flexibly to the frame of Pratelli, in order that the storage pouch may move when the frame position is changed, or the storage pouch may be removed and replaced.

3. Claims 1, 2, 3, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker (US 2,965,344) in view of Hynes (US 4,196,880). Baker discloses a storage system for use in a vehicle with a plate 7 with hinge mounts at 8. Plate 7 is adapted with plate 14 to attach to a wall or edge of a vehicle interior (column 2, lines 36-50) with a spring 15. A frame 1/3 is operatively mounted to the hinge sections 8 that can be rotated between a deployed position and a stowed position (partial rotation shown in figure 2). A storage pouch 22 is supported by the frame (figure 1; figure 5). The frame rotates upward about the hinge 8 as the storage pouch is open (position shown in figure

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1) and downward about the frame so that the bag bends and folds into a stowed position. Baker does not disclose a frame that is expandable. Hynes teaches a frame 18 in two parts for supporting a bag (figure 1). The frame attaches at a double sleeve 26, into which both sides of the frame may be slid as close together or as far apart as needed to support the appropriate-sized bag. It would have been obvious to one of ordinary skill in the art to use the two-part frame with telescoping sleeves of Hynes with the assembly of Baker in order to allow the frame to support flexible bags of different sizes (Hynes, column 1, lines 56-59).

With respect to claim 2, the primary reference Baker discloses that the frame 1/3 is made of a rigid material (column 1, lines 66-69; column 3, lines 23-28). The frame of Hynes is also of rigid material (column 3, lines 1-2).

With respect to claim 3, the primary reference Baker discloses that the storage pouch is a flexible material (column 2, lines 1-5).

With respect to claim 5, the primary reference Baker discloses that the storage pouch is flexibly attached to the frame (column 2, lines 1-5).

Response to Arguments

4. Applicant's arguments with respect to claims 1, 2, 3, and 5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Applicant's amendment placing claim 6 and 7 in claim 1 changes the scope of the independent claim as it was previously presented, since claims 6 and 7 depended separately from dependant claim 4. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret L. Olson whose telephone number is (571) 272-9002. The examiner can normally be reached on MTWR, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mlo


NATHAN J. NEWHOUSE
SUPERVISORY PATENT EXAMINER